




## DIRECTIVE: 7.14

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<b>ISSUED BY:</b> Robert J. Tracy Chief of Police <b>Reviewed: 3/10/2017</b>				52.1.1	52.1.4	52.2.3
						52.2.4

# CITIZEN'S COMPLAINT POLICY

## PURPOSE

The purpose of this policy is to provide a standardized protocol on how members of the Wilmington Police Department will accept citizen complaints and how each complaint will be investigated. All members of this department will be required to instruct citizens who wish to file a complaint of police misconduct on how to obtain and properly submit a "Citizen's Complaint Form".

## POLICY

It is the policy of the Wilmington Police Department to accept and investigate all complaints or allegations of police misconduct. In doing so, the department will endeavor to be fair to both the accused officer's and the complainant. All matters of police misconduct will be investigated by the Office of Professional Standards ("OPS") unless otherwise assigned to the involved officer(s) immediate supervisor. Anonymous complaints will be reviewed on a case by case basis to determine whether a proper investigation can be performed without interviewing the complainant. However, the Wilmington Police Department encourages complainants to provide his/her contact information in order to conduct a proper investigation.

## PROCEDURES

### OFFICER'S RESPONSIBILITY:

1. Whenever any member of the Wilmington Police Department is approached by a citizen who wishes to file a complaint against any Wilmington Police officer, the officer shall advise the complainant that:  
1) the citizen may go to the House Sergeant's Office 24 hrs/ 7 days a week and obtain either an OPS "Referral Card" and/or a "Citizen's Complaint" form, 2) the complainant can file a complaint online through the City of Wilmington's Website, 3) the complainant may file a complaint with the Constituent Services Division located on the 3<sup>rd</sup> Floor of the City-County Building, 800 French Street.



### HOUSE SERGEANT'S RESPONSIBILITIES:

- a) Whenever a citizen comes into the Police station and wants to file a complaint against any Wilmington Police officer, he/she will be directed to the House Sergeant who will conduct a brief interview with the complainant to determine the nature of the allegation. If the allegation involves an officer who is currently on duty, the matter should be referred to that officer's immediate supervisor who will be responsible for initiating an investigation. The investigation will be documented and entered into "Blue Team".
- b) If it is a non-urgent matter, the House Sergeant will ensure that the complainant is provided with an OPS "Referral Card" and/or a "Citizen's Complaint Form". When the "Complaint Form" and/or "Referral Card" have been completed, the House Sergeant will instruct the individual to place the card or complaint form in the secure OPS mailbox located in the lobby area just outside of the House Sergeant's office. Only OPS personnel will have access to the OPS mailbox.
- c) The House Sergeant will also be required to inform the complainant on how to file a complaint online through the City of Wilmington's website.
- d) If it is determined to be an urgent matter and it is between the hours of 8 am to 4 pm, the House Sergeant will be required to contact the Office of Professional Standards immediately. During hours beyond 4 pm, the House Sergeant should notify the Watch Commander. It will be the responsibility of the Watch Commander to notify the Duty Officer. The matter will then be forwarded to OPS for investigation.

In the absence of the House Sergeant, a Patrol Sergeant will be notified and it will be his/her responsibility to conduct the evaluation interview of the complainant. No "Acting Supervisor" will be permitted to conduct the evaluation interview of a complainant.

### OFFICE OF PROFESSIONAL STANDARDS RESPONSIBILITIES:

- 1. Members of the Office of Professional Standards will be responsible for responding to the House Sergeant's Office each day, by 9am, to retrieve any/all "Referral Cards" and "Citizen Complaint Forms" from the secure OPS mailbox. Only OPS personnel will have access to the OPS mailbox.
- 2. Members of the Office of Professional Standards will also be responsible for responding to Constituent Services Division located on the 3<sup>rd</sup> Floor of the City-County Building each day to retrieve any/all "Referral Cards" and/or "Citizen's Complaint Forms" from the secure mailbox in that office.
- 3. Once the cards and/or forms have been collected, the complainant will be contacted within 24 hours and informed that their complaint has been received. Should the complaint be submitted during the weekend, the complainant will be contacted the following Monday.



4. The Commanding Officer of OPS will be responsible for checking the OPS Email system for any and all incoming online Citizen's Complaints from the City of Wilmington's website. The Commanding Officer will contact the complainant within 24 hours after receiving the online complaint.
5. The Commanding Officer of OPS and/or his designee will be responsible for reviewing all "Referral Cards" and "Citizen's Complaint Forms" and determining the legitimacy of the complaint. Once a determination has been made, the complaint will be assigned to an OPS Investigator for follow up investigation.
6. Once the complaint is assigned to an OPS Investigator, it will be his/her responsibility to contact the complainant within 24 hours. **Contact will be made by email or by telephone, if contacted by telephone documentation will be made and sent to the Commander of the Office of Professional Standards.** They will notify the complainant that they have been assigned the investigation and will provide their contact information for future inquiries.
7. It is recommended that all investigations be completed within 60 days but extenuating circumstances may call for a more lengthy investigative time period. The length of the investigation will ultimately be determined by the complexity of the investigation. **Investigations can be extended with the approval from the Commanding Officer of the Office of Professional Standards.** The OPS investigator will contact the complainant if the investigation is extended.
8. At the conclusion of the investigation, a detailed report will be submitted documenting all action taken. The investigation will be entered into the IAPro computer system with the appropriate close out disposition.
9. The investigator will be required to send a disposition letter on departmental letter head to the complainant advising him/her if their complaint was substantiated or unsubstantiated.

The Wilmington Police Department will investigate anonymous complaints on a case by case basis dependent upon whether a proper investigation can be performed without interviewing the complainant. However, the Wilmington Police Department encourages complainants to provide his/her contact information in order to conduct a proper investigation. No complaint (3) years or older will be investigated unless extenuating circumstances exist.

## **FAILURE TO COMPLY WITH THIS POLICY WILL RESULT IN DISCIPLINARY ACTION FOR A CLASS "E" VIOLATION.**

### **HOW TO SUBMIT A CITIZEN'S COMPLAINT**

#### **CITIZEN COMPLAINT FILING PROCESS**



1. In order for the Wilmington Police Department to investigate an allegation of police officer misconduct an official “Citizen’s Complaint Form” must be filed.
2. The complainant must obtain a Wilmington Police OPS “Referral Card” or “Citizen’s Complaint Form” from the House Sergeant’s Office located on the 1<sup>st</sup> Floor of the William T. McLaughlin Public Safety building, located at 300 N. Walnut Street, Wilmington, DE 19801. The cards and forms are available 24 hours / 7 days a week.
3. Alternatively, the complainant can contact the Office of Professional Standards Division at (302) 576-3197 and request that a “Citizen’s Complaint Form” be sent to their home address. The form will be mailed to the specified address which could take 3 to 5 business days for delivery. The form will include a return address envelope. Postage cost will be the responsibility of the complainant.
4. The complainant can also file a complaint online through the City of Wilmington’s Website. Once you log onto the website, click on “Your Government” go to “City Departments” and select “Police”. Once you have entered the “Department of Police” site click on “Office of Professional Standards,” then scroll down and click on the “Submit Complaint” icon and complete the form. Once the form is completed select the “Send” icon. The complaint will be delivered to the Office of Professional Standards via Email.
5. Once the complaint form has been received it will be evaluated for credibility by the Commanding Officer of the Professional Standards Division. After it has been reviewed it will then be assigned to an OPS Investigator for a follow-up investigation.
6. Once the investigation is complete, a determination will be made whether or not to substantiate the allegation(s). A letter will be sent to the complainant notifying them of the outcome of the investigation.
7. According to Delaware Code Title 11, §9200(12) entitled, Law Enforcement Officer’s Bill of Rights, findings of an internal investigation are prohibited from being released to the public. However, the complainant will be notified whether or not the allegation is substantiated.

